

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

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V.

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CRIMINAL DOCKET  
NO. 04 - 10314 (RCL)

TAJH WHITE

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**DEFENDANT TAJH WHITE'S  
MOTION FOR PRE-PLEA PRESENTENCE REPORT, ASSENTED**

Now comes the defendant, Tajh White, in the above-captioned matter and respectfully moves this Honorable Court, to permit and direct the U.S. Probation Office to conduct a pre-sentence interview of the defendant and prepare a presentence report prior to the defendant changing his plea pursuant to F.R. Crim. P. 11.

As reason therefore the defendant states that his lawyer has attempted to advise him about potential sentencing outcomes based upon his lawyer's calculation of the U.S. Sentencing Guidelines, but that there are several uncertainties that have made the accuracy of calculating his guidelines difficult and complex. The differences presented by the various outcomes could vary by as much as ten years or more.

Although the defendant anticipates tendering a plea pursuant to Rule 11, the defendant would like to have reliable information on which to base his decision.

The Defendant further attaches an Affidavit from his lawyer in support of the motion

Respectfully submitted,

/S/ William M. White, Jr.  
WILLIAM M. WHITE, JR.  
BBO#: 546283  
Davis, Robinson & White, LLP  
1 Faneuil Hall Marketplace, 3<sup>rd</sup> Floor  
Boston, MA 02109  
(617) 723-7339

ASSENTED TO:

/S/ MBH per WMW, Jr.  
Maureen B. Hogan, AUSA

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AFFIDAVIT OF COUNSEL IN SUPPORT OF  
DEFENDANT TAJH WHITE'S MOTION FOR PRE-PLEA PRESENTENCE REPORT

I, William M. White, Jr., do hereby depose and say the following:

1. I represent the defendant, Tajh White, in the case of *United States v. Tajh White, 04-10314 (RCL)*. The defendant was charged with violating 21 USC §§846, 841(a)(1) and 853 (forfeiture).
2. Defendant Tajh White is indigent as manifested by my appointment pursuant to the Criminal Justice Act.
3. I have reviewed the materials provided by the government and provided copies of the same to the defendant.
4. In light of the available information including written materials, and conversations with the government, I have attempted to calculate the relevant guidelines.
5. There are a number of factors that impact this defendant's potential guidelines calculations, including his out-of-state criminal history and other factors within the case fact pattern.
6. Based on certain considerations, the guidelines could be over 20 years, on others as

less than ten years. In order for the defendant to tender his Rule 11 plea, he needs to have a more stable vision of the likely sentencing outcome.

7. The defendant anticipates that he will request a Rule 11 hearing when he has a clearer understanding of his likely sentencing consequences.
8. It would be helpful to the defendant and his lawyer if a pre-plea presentence investigation was conducted and a pre-plea Presentence Report was prepared.
9. On December 30, 2005, I spoke with AUSA Hogan, who indicated that the government would assent to the defendant's request.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 4<sup>TH</sup> DAY OF JANUARY, 2006.

/s/ William M. White, Jr.  
WILLIAM M. WHITE, JR.